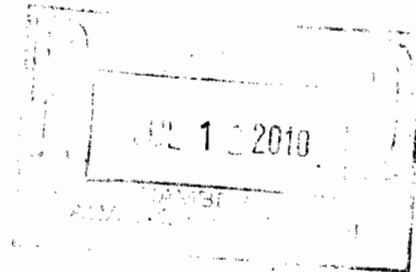
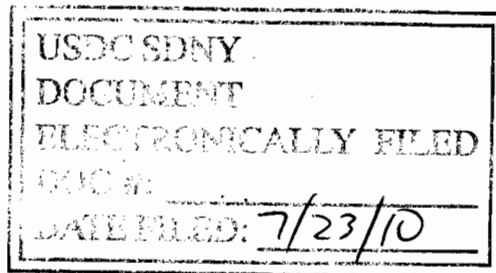


HELLERSTEIN



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: LOWER MANHATTAN DISASTER SITE  
LITIGATION

THIS DOCUMENT APPLIES TO ALL CASES  
LISTED ON THE ATTACHED SCHEDULES A  
AND B

Case No.: 21MC103 (AKH)

Docket No.:  
(See attached Schedules A  
and B)

This order relates to claims  
against Merrill Lynch,  
Brookfield and Battery Park  
City Authority only in all  
cases listed on Schedules A  
and B

ALVIN K. HELLERSTEIN, U.S.D.J.:

**STIPULATION AND ORDER**

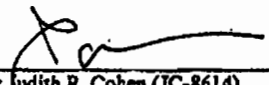
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the Plaintiffs listed on the attached Schedules A and B, and the attorneys for defendants Merrill Lynch & Co., Inc., 222 Broadway, LLC and CAP, Inc. (collectively "Merrill Lynch"), Brookfield Financial Properties, Inc., Brookfield Financial Properties, L.P., WFP Tower B Co. L.P., WFP Tower B Co. GP Corp., WFP Tower D Co. L.P., WFP Tower D Co. GP Corp., and WFP Retail Co. L.P. (collectively "Brookfield") and Battery Park City Authority ("BPCA") in these actions, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of this action, the matters (a) listed on Schedule A be and the same are hereby dismissed with prejudice as against the above-named Merrill Lynch, Brookfield and BPCA Parties only and without costs to any party with respect to all claims that could have been brought in

relation to (i) the existing pleadings of the Plaintiffs and (ii) a second injury to the extent permitted by New York State law by reason of the so-called "two-injury rule"; and (b) listed on Schedule B be and the same are hereby dismissed *with prejudice* as against the above-named Merrill Lynch Parties only and without costs to any party with respect to all claims that could have been brought in relation to (i) the existing pleadings of the Plaintiffs and (ii) a second injury to the extent permitted by New York State law by reason of the so-called "two-injury rule".

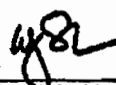
IT IS FURTHER STIPULATED AND AGREED, that the attorneys for Merrill Lynch, Brookfield or BPCA will submit a fully executed copy of this stipulation to the Court so that it may be "So Ordered" and filed with the Clerk of the Court.

Dated: July 9, 2010

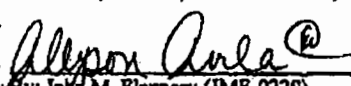
DICKSTEIN SHAPIRO LLP

  
By: Judith B. Cohen (JC-8614)  
Attorneys for Merrill Lynch  
1633 Broadway, NY 10019  
(212) 277-6565

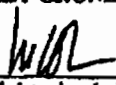
FAUST GOETZ SCHENKER & BLEE, LLP

  
By: William J. Smith (WJS-9137)  
Attorneys for Brookfield  
Two Rector Street, 20<sup>th</sup> Floor  
New York, N.Y. 10006  
(212) 363-6900

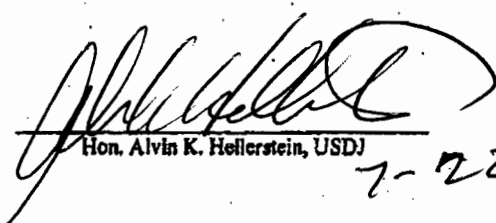
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP

  
By: John M. Flannery (JMF-0229)  
Attorneys for BPCA  
3 Cannett Drive  
White Plains, New York 10604  
(914) 323-7000

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

  
By: Christopher LoPinto, Esq. (CL-6466) *William Grana (16-424)*  
Attorneys for Plaintiffs  
Empire State Building  
350 5<sup>th</sup> Avenue  
New York, N.Y. 10018

SO-ORDERED:

  
Hon. Alvin K. Hellerstein, USDJ

7-22-10

Schedule A

## Schedule A - 21MC103

NAME	CV NUMBER
Kajewska-Pielarz, Bozena and Pielarz, Jozef	05CV00744
Mendez, Edgar and Mendez, Jenny Patricia	05CV01180
Simpson, William and Simpson, Karen L.	05CV01208
Nolan, Joseph and Nolan, Lana	05CV01213
DiRubbo, Nicholas	05CV01497
Pena, Michael and Pena, Mariana	05CV01700
Sumba, Samuel and Sumba, Mercedes	05CV01783
Gallegos, Rebeca	05CV09820
Encalada, Jorge and Encalada, Maricel	05CV10737
Guevara, Rodolfo	06CV03301
Gora, Edward and Gora, Ena Rynczak	06CV03302
Thomas, Kevin and Thomas, Sherilla	06CV04381
Hayduk, Jeffrey	06CV05839
O'Neal, Alexander and O'Neal, Maureen	06CV06798
Sadowy, Kathleen	06CV07254
DiRubbo, Leo and DiRubbo, Angela	06CV07396
Labate, Michael and Labate, Cheryl	06CV08441
Lewis, Stephen W. and Lewis, Patricia	06CV08446
Salamone, Vincenzo A. and Mary Salamone	06CV08530
Daquila, Steven and Daquila, Grace	06CV08756
Addeo, Stephen and Addeo, Carol	06CV09983
Salgado, Calinda and Erick Salgado, Erick	06CV10087
Hylton, Carlton and Carlton, Petronia	06CV10355
Arendt, Michael and Arendt, Kathy L.	06CV10980
Rodriguez, Jorge	06CV11260
Dobronski, Zbigniew	06CV11533
Stamatakis, Bernice	06CV11588
Bravo, Teresa	06CV11955
Herrera, Jose L. (sometimes referred to as Herrera, J. Leonardo) and Querubin, Maria Y.	06CV12139
Silva, Enrique	06CV12525
Montero, Hamilton and Molina, Anelly	06CV12791
Rosales, Cesar and Rosales, Vilma	06CV12812
Mora, Eugenio and Mora, Olga	06CV13168
Arruda-Loor, Betsy and Rengifo, Jose	06CV13787
Garcia, Fernando	06CV13916
Annunziato, Eleanor	06CV14466
DeLuca, Joseph and DeLuca, Elizabeth	06cv14596
Moreno, Sandra	06CV14901
Noesges, Denise	06CV14925
Zammit, Guy and Zammit, Deanna	06CV15155
Gallego, Carmen and Gallego, Salazar	07CV00062
Naranjo, Angel and Naranjo, Blanca	07CV00066
Foley, Donald and Foley, Kelly Ann	07CV00657
Astudillo, Freddy and Astudillo, Mariana	07CV01463

## Schedule A - 21MC103

NAME	Case Number
Duchitanga, Angel	07CV01492
Garces, Segundo	07CV01498
Robles, Blanca and Encalada, Marcos	07CV01520
Sanchez, Briscia	07CV01527
Sinchi, Nelly and Sinchi, Victor	07CV01535
Alvaracin, Jose	07CV01558
Astudillo, Wilmer and Avila, Maria I.	07CV01581
Atencia, Marcelo	07CV01582
Baczowski, Andrzej and Baczowski, Zofia	07CV01585
Calvinagua, Juan	07CV01674
Calle, Wilson	07CV01578
Dota, Clara	07CV01602
Gryszkiewicz, Slawomir and Gryszkiewicz, Wanda	07CV01623
Inga, Jorge	07CV01629
Llerena, Hilda	07CV01650
Merchan, Carlos and Merchan, Martha	07CV01665
Puma, Maria	07CV01688
Tenezaca, Julia	07CV01714
VanFechtmann, Edward and VanFechtmann, Lorraine	07CV01719
Vazquez, Kattia and Vazquez, Peter	07CV01722
Vasquez, Jose and Vasquez, Liliana G.	07CV02708
Agudelo, Gladys	07CV04446
Betancourt, Hector	07CV04453
Encalada, Cirilo and Encalada, Melva	07CV04465
Gualpa, Rosa	07CV04472
Avenia, Hernando and Avenia, Nidia	07CV04473
Inga, Luis and Inga, Carmen	07CV04474
Kolodziejczyk, Janina	07CV04479
Leon, Ines and Quezada, Luis E.	07CV04481
Toledo Naranjo, Aracely M. (sometimes referred to as Medina, Araceli)	07CV04490
Mendoza, Gustavo and Mendoza, Hada	07CV04494
Misalco, Ubaldo	07CV04495
Rojas, Jaime and Hernandez, Johanna	07CV04511
Sarmiento, Edwin and Sarmiento, Nora	07CV04515
Wanlurski, Robert and Wanlurski, Ewa	07CV04624
Cerbone, Guy and Cerbone, Debbie	07CV04898
Puma, Pietro (Antonla Puma as Executrix of Pietro Puma)	07CV05044
Pastuzaca, Zoila and Pastuzaca, Luis F.	07CV05308
Rodriguez, Susana and Rodriguez, Jose	07CV05315
Walek, Kazimierz and Walek, Stefania	07CV05327
Belkowski, Wlodzimierz and Belkowski, Teresa	07CV05339
Sanchez, Edilberto	07CV05384
Cornier, David and Marcelino, Sandra	07CV05406
Douso, Joseph and Douso, Jill	07CV05407

## Schedule A - 21MC103

NAME	CASE NO.
Greaney, John E. and Greaney, Andrea	07CV05410
Maier, Thomas and Maier, Lynn P.	07CV05416
Marshall, Donna	07CV05417
Palloto, Michael and Palloto, Lisa	07CV05421
Renaudin, Roland and Perez, Ana	07CV05423
Seiferheld, James and Seiferheld, Fran	07CV05427
Mrozek, Jacek and Mrozek, Maria	07CV08275
Nolan, Richard and Nolan, Stephanie	07CV08278
Bastidas, Ramiro and Bastidas, Zoila	07CV08278
Kosiv, Igor	07CV08282
Perez, Jacqueline	07CV08284
Ahearn, Kevin and Ahearn, Theresa	07CV08863
Papazissis, Nicholas	07CV10029
Jimenez, Rafael and Jimenez, Gladys	07CV10784
Sandoya, Henry and Alvarez, Gloria	07CV11025
Nauta, Dalia and Nauta, Luis	08CV01015
Arteaga, Kleber and Arteaga, Mercy	08CV02253
Aviles, Srto and Aviles, Matilde	08CV02254
Mulcela, Bertha	08CV02255
Cabrera, Rolando and Avila, Luz	08CV02256
Chalco, Joel	08CV02258
Coballes, Sarbella	08CV02261
Dominguez, Margarita and Dominguez, Francisco	08CV02285
Feliciano, Gladys	08CV02287
Garcia, Ladislao	08CV02269
Gulracocha, Cesar	08CV02272
Guzman, Salma P.	08CV02273
Lopez, Jamie D.	08CV02282
Lopez, Rolando	08CV02283
Lozano, Henry	08CV02284
Martinez, Joffre and Cabrera, Jessica	08CV02288
Medina, Diego and Medina, Melinda	08CV02290
Michalik, Wojciech and Michalik, Maigona	08CV02292
Miranda, Susana and Labre, Martin	08CV02293
Ochoa, Gustavo	08CV02296
Olivo, Wilson and Segoroso, Vanessa	08CV02297
Osorio, Alicia	08CV02300
Ramirez, Harold and Thomas, Novoa	08CV02304
Szynkowski, Zbigniew and Szynkowska, Ewa	08CV02308
Torres, Pedro	08CV02310
Uzhca, Manuel (sometimes referred to as Juzhco, Manuel)	08CV02312
Vasquez, Camilo and Ortega, Rosa	08CV02313
Vilomar, Patricia	08CV02316
Vintimilla, Rosalia and Vintimilla, Vincente	08CV02317
Zambrana, Ramon	08CV02320
Cuevas, David and Valasquez, Lupe	08CV02321

Schedule A - 21MC103

NAME	REFERENCE
Grageda, Abdon	08CV02831
Quizhpi, Nelly P.	08CV04941
Drozd, Bogdan and Drozd, Anna	08CV04945
Sanchez, George and Arias, Jessica	08CV04949
Jaramillo, Manuel and Duran, Ana	09CV03458
Prado, Victor	09CV03459



Schedule B

## Schedule B - 21MC103

NAME	REFERENCE
Martz, Kevin and Martz, Stephanie	06CV01650
Castillo, Silvia and Siguencia, Segundo	06CV01718
Hanberry, Evelyn	08CV09075
Banda, Nestor and Banda, Georgina	06CV14484
Jaramillo, Jonas and Romelo, Blanca	06CV14746
Ali, Enrique	07CV01554
Almeida, Jorge and Almeida, Laurentina	07CV01555
Konopka, Alina	07CV01641
Ortiz, Delsy and Ortiz, Edwin	07CV05420
Engelbrecht, Mark and Engelbrecht, Anne	07CV08274
Leon, Segundo	07CV08283
Alvarez - Garcia, Hernando and Alvarez, Liza	07CV11018
Cuervo, Aracelly	08CV02282
Naranjo, Adolfo and Alciar, Doris	08CV02295
Ordonez, Julio	08CV02298
Sasteros, Blanca and Encalada, Dario	08CV02305